

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court *sua sponte*. On August 5, 2008, plaintiff Elizabeth McCray, acting *pro se*, filed the instant complaint and related documents. This is the second time plaintiff has attempted to file the same lawsuit, as she filed similar documents with this Court on January 30, 2008. See McCray v. N.D.B., et al., 4:08CV198 CDP.

Just as in the previous case, several of the documents accompanying plaintiff's complaint contain the names of minor children which have not been redacted. As plaintiff was told previously, pursuant to this Court's Administrative Order of April 8, 2003, and in compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, parties must refrain from including, or must partially redact where inclusion is necessary, the

names of minor children. *See also Webster Groves School Dist. v. Pulitzer Pub. Co.* 898 F.2d 1371, 1375 (8th Cir. 1990) (*en banc*) (strong public policy favors the special protection of minors and their privacy where sensitive matters are concerned). If the involvement of a minor child must be mentioned, only the initials of a minor child may be used. *See* Administrative Order of the United States District Court for the Eastern District of Missouri dated April 8, 2003. Because the documents that plaintiff seeks to incorporate into her complaint fail to comply with the aforementioned, she must file an amended complaint in order to proceed with this action.

This is not the only deficiency in plaintiff's pleading. The Court notes that, just as plaintiff did in her previous action, plaintiff has submitted several separate complaint forms with different defendants named on each form. However, a review of each complaint form indicates that the allegations all arise from the same facts and circumstances. Accordingly, the Court has filed plaintiff's documents as one complaint, which must be amended as set forth herein.

In filing her amended complaint, plaintiff must not only comply with this Court's policy as to the redaction of information relating to minor children, but she

must also comply with the Federal Rules of Civil Procedure and this Court's Local Rules and Administrative Orders.¹

The Federal Rules of Civil Procedure require litigants to formulate their pleadings in an organized and comprehensible manner. In other words, because plaintiff's allegations all arise from the same facts and circumstances, she must articulate all of her claims against all of the defendants on one complaint form. Pursuant to Federal Rules of Civil Procedure 8 and 10, plaintiff's amended complaint must contain a "short and plain statement" of claims, and each claim shall be "simple, concise and direct." Plaintiff is required to include in the "Caption" of the amended complaint all the defendants she wishes to sue, and in the "Statement of Claim," she must set out specific facts against each named defendant in separately marked paragraphs.

Plaintiff was advised of these very same requirements in the previously filed action, and she was told that her failure to comply with the Court's Order would result in a dismissal of her case, without prejudice. Despite the Court's warning, plaintiff filed a letter as her "amended complaint," which failed to contain a caption, a listing of the named defendants, or a concise or plain statement of her

¹The Local Rules of the United States District Court for the Eastern District can be found on the Court's website at www.moed.uscourts.gov.

claims. Plaintiff's pleading also failed, in numerous other ways, to comply with the Federal Rules of Civil Procedure, this Court's Local Rules and/or its Administrative Orders. As such, if plaintiff's amended complaint (her fourth attempt at stating a claim) fails to comply with the instructions set forth in this Order, the Federal Rules of Civil Procedure and/or this Court's Local Rules and Administrative Orders, her complaint will be dismissed with prejudice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall immediately file the complaint and ancillary documents with supporting exhibits under seal.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint in accordance with the foregoing within thirty (30) days of the date of this Order. Plaintiff's failure to comply with this Court's Order will result in a dismissal of this action, with prejudice.

Dated this 25th day of August, 2008.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE